

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES WILLIAMS,

Plaintiff,

v.

MARK JONES, *et al.*,

Defendants.

Case No. C15-487-JLR-JPD

REPORT AND RECOMMENDATION

On March 27, 2015, plaintiff James Williams submitted to this Court for filing a civil rights complaint under 42 U.S.C. § 1983. (*See* Dkt. 1.) Plaintiff alleged in his complaint that two correctional officers at the Monroe Correctional Complex, Mark Jones and Alvin Alvis (Mickey Alvis)¹, violated his Eighth and Fourteenth Amendment rights when they poured his meals into liquefied feces and urine in August 2014. (Dkt. 6 at 7.) Plaintiff requested in his complaint \$88 million in compensatory damages and \$8 million in punitive damages. (*Id.* at 8.) The complaint was ordered served on defendants, and defendants filed a timely answer to the complaint on May 14, 2015. (*See* Dkts. 7 and 11.)

¹ Plaintiff identified this defendant as "Alvin Alvis" in his complaint, but defendants have indicated that this defendant's true name is Mickey Alvis. (*See* Dkts. 8, 11 and 19.)

1 On September 22, 2015, defendants filed a motion for summary judgment in which they
2 argue that plaintiff has not provided any evidence demonstrating that they were responsible for
3 prison conditions which violated plaintiff's federal constitutional rights. (Dkt. 19.) Plaintiff did
4 not file a response to defendants' motion but, instead, filed a motion to dismiss this action. (Dkt.
5 24.) Plaintiff states in his motion to dismiss that he filed the instant lawsuit, and 15 others over
6 the last two years, in an effort to achieve two specific goals: (1) to be taken off of anti-
7 psychotics; and, (2) to get out of the Intensive Management Unit. (*Id.*) Plaintiff indicates that he
8 has now achieved these goals and that he therefore wishes for the Court to dismiss this action as
9 moot. (*See id.*)

10 Plaintiff fails to satisfy this Court that the instant action is, in fact, moot. Plaintiff does
11 not assert any claims in this action related to anti-psychotic medication or to his confinement in
12 the Intensive Management Unit, and the relief requested in this action, \$96 million in damages,
13 appears unrelated to the objectives plaintiff claims to have achieved through his litigation.
14 Nonetheless, plaintiff makes clear in his motion to dismiss that he no longer wishes to pursue
15 this action and defendants have filed no objection to plaintiff's request for voluntary dismissal.

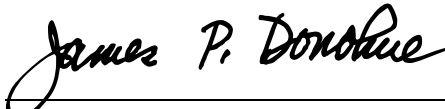
16 Accordingly, this Court recommends that plaintiff's motion to voluntarily dismiss this
17 action be granted, in accordance with Fed. R. Civ. P. 41(a)(2), and that defendants' motion for
18 summary judgment be stricken as moot. This Court further recommends that plaintiff's
19 complaint and this action be dismissed *with* prejudice given that plaintiff did not seek dismissal
20 until after defendants had expended time and resources to file a motion for summary judgment.
21 A proposed order accompanies this Report and Recommendation.

22 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
23 served upon all parties to this suit by no later than **December 8, 2015**. Failure to file objections

1 within the specified time may affect your right to appeal. Objections should be noted for
2 consideration on the District Judge's motion calendar for the third Friday after they are filed.
3 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no
4 timely objections are filed, the matter will be ready for consideration by the District Judge on
5 **December 11, 2015.**

6 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
7 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
8 assigned District Judge acts on this Report and Recommendation.

9 DATED this 17th day of November, 2015.

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12 JAMES P. DONOHUE
13 Chief United States Magistrate Judge
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